THE HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO.21772 OF 2004

DT.01-09-2005

Between:

The Depot Manager, APSRTC, Ananthapur,

Ananthapur District

.... Petitioner

A n d

1. Industrial Tribunal-cum-Labour

Court, Ananthapur rep. by its Presiding Officer

and another.

.... Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO.21772 OF 2004

ORAL ORDER:

The writ petition is directed against the order dated 23-08-2004, of the Labour Court, Ananthapur, in E.P.No.38 of 2002 in M.P.No.25 of 1999.

The second respondent herein filed M.P.No.25 of 1999 under Section 33(c)(2) of the Industrial Disputes Act, 1947, claiming certain benefits including pay and allowances, on par with Grade-I Driver, viz., increments, H.R.A for the period from 1986 to 1998, arrears of medical leave benefits, difference of increments for a period of six months and complaining that the management had illegally deducted benefits for the period from 26-06-1980 to 28-02-1999, in an amount of Rs.75,000/-. This claim was contested by the writ petitioner-management.

By the order dated 25-01-2001, M.P.No.25 of 1999 was allowed with costs, directing the writ petitioner to pay the second respondent herein arrears of increments and other benefits as prayed together with interest as stipulated in the order. Seeking execution of the said order, E.P.No.38 of 2002 was filed along with a calculation memo.

By the order impugned, the first respondent allowed the E.P. recording that the management had not proceeded against the order in M.P.No.25 of 1999 and, therefore, it cannot now plead in the E.P. that the second respondent herein was not entitled to all the benefits ordered in M.P.No.25 of 1999. The first respondent accepted the calculation memo filed by the second respondent and directed the writ petitioner to pay Rs.90,667/- to the second respondent within the time stipulated.

Admittedly, the petitioner did not challenge the order of the Labour Court in M.P.No.25 of 1999, which was allowed as prayed for and with costs. It is not the case of the petitioner that
the calculation memo filed by the second respondent in E.P.No.
28 of 2002 is erroneous or at variance with the reliefs claimed in M.P.No.25 of 1999. Having regard to the comprehensive nature of the order passed in M.P.No.25 of 1999, allowing the M.P. as prayed for and with costs, the writ petitioner is obligated to pay to the second respondent all the benefits that he had claimed in M.P.No.25 of 1999. From this consequence and obligation of the writ petitioner, there is no escape.

On the aforesaid analysis, there is no error either in the application of law or exercise of discretion by the first respondent, warranting interference in this writ petition.

Writ petition is accordingly dismissed. No costs.

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01-09-2005.

Lrkm.